

Michael D. O'Brien, OSB 95105
Theodore J. Piteo, OSB 090311
Michael D. O'Brien & Associates, P.C.
12909 SW 68th Pkwy, Suite 160
Portland, OR 97223
(503) 786-3800

Turning Leaf Homes IV, LLC, Debtor-in-possession.

IN THE BANKRUPTCY COURT OF THE UNITED STATES
FOR THE DISTRICT OF OREGON

| | | |
|----------------------------|---|----------------------------|
| In re: |) | Case No. 17-30353-tmb11 |
| |) | |
| Turning Leaf Homes IV, LLC |) | APPLICATION FOR EMPLOYMENT |
| |) | OF ATTORNEYS FOR DEBTOR IN |
| |) | POSSESSION |
| Debtor-in-possession. |) | |

Pursuant to 11 USC §327 of the U.S. Bankruptcy Code (“the Code”) Turning Leaf Homes IV, LLC, debtor-in-possession (hereafter “Debtor”), hereby applies to the Court for an order approving the employment of Michael D. O’Brien & Associates P.C. as its counsel. In support of this application, Debtor represents as follows:

- 1) Debtor is not sufficiently familiar with the rights and duties of the debtor in possession in this case to represent itself without the aid of competent legal counsel.
- 2) Debtor wishes to employ the law firm of Michael D. O’Brien & Associates P.C., Attorneys at Law, 12909 SW 68th Pkwy, Suite 160, Portland, OR 97223, and particularly Theodore J. Piteo as its attorney of record.

- 3) Debtor desires that Michael D. O'Brien & Associates P.C. represent it for all purposes related to the petition for relief including, among other things, negotiating financing orders, obtaining authorization for use of cash collateral, reviewing and evaluating the status and validity of secured claims, litigation implementing their avoidance powers and formulating a disclosure statement and plan of reorganization.
- 4) Debtor wishes to have Michael D. O'Brien & Associates P.C. compensated by the estate for their attorney fees at its usual and customary hourly rates and reimburse its reasonable and necessary costs incurred in connection with this case. Such compensation shall be subject to the approval of this Court and requests for compensation shall be in compliance with the Code and federal and local rules of bankruptcy procedure. The names, initials, and current billing rates of the individuals, who are expected to perform work on this case are as follows and pursuant to the fee agreement I signed the respective hourly rates are subject to reasonable annual increases on or about January 1st of each year:
- a) Michael D. O'Brien, MDO, Partner - \$365.00/hour
 - b) Theodore J. Piteo, TJP, Associate Attorney - \$300.00/hour
 - c) Hugo Zollman, HZ, Senior Paralegal - \$170.00/hour
- 5) Turning Leaf Management, Inc. paid \$5,000 to Michael D. O'Brien & Associates, P.C. on February 2, 2017 for preliminary bankruptcy planning work for Debtor. Turning Leaf Management, Inc., paid \$10,000 to Michael D. O'Brien & Associates P.C immediately prior to filing. From these amounts the sum of \$1,717.00 was paid to the USBC for a filing fee, and \$13,283 is earned on receipt subject to ultimate court approval under 11 U.S.C. §329 and §330 or court ordered disgorgement. The payments are considered either equity contributions to Debtor or gifts from the contributing entity.

- 6) To the best of the Debtor's knowledge, the partners and associates of Michael D. O'Brien & Associates P.C. do not have any connection with Debtor's creditors, any other party in interest, or their respective attorneys or accountants except as stated in the Rule 2014 Verified Statement of Proposed Professional submitted with this application.
- 7) Debtor has signed a Retainer Agreement with Michael D. O'Brien & Associates P.C. that is attached to this Application and the Verified Statement filed herewith.

Dated this 6th day of February, 2017.

Respectfully Submitted By:

/s/ Tracey Baron, Manager
By: Tracey Baron, Manager, Turning Leaf
Homes, IV, LLC Debtor-in-Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re)
) Case No. _____
)
)
Debtor(s)) RULE 2014 VERIFIED STATEMENT
) FOR PROPOSED PROFESSIONAL

Note: To file an amended version of this statement per ¶19, file a fully completed amended Rule 2014 statement on LBF #1114 and clearly identify any changes from the previous filed version.

1. The applicant is not a creditor of the debtor except:
2. The applicant is not an equity security holder of the debtor.
3. The applicant is not a relative of the individual debtor.
4. The applicant is not a relative of a general partner of the debtor (whether the debtor is an individual, corporation, or partnership).
5. The applicant is not a partnership in which the debtor (as an individual, corporation, or partnership) is a general partner.
6. The applicant is not a general partner of the debtor (whether debtor is an individual, corporation, or partnership).
7. The applicant is not a corporation of which the debtor is a director, officer, or person in control.
8. The applicant is not and was not, within two years before the date of the filing of the petition, a director, officer, or employee of the debtor.
9. The applicant is not a person in control of the debtor.
10. The applicant is not a relative of a director, officer or person in control of the debtor.
11. The applicant is not the managing agent of the debtor.
12. The applicant is not and was not an investment banker for any outstanding security of the debtor; has not been, within three years before the date of the filing of the petition, an investment banker for a security of the debtor, or an attorney for such an investment banker in connection with the offer, sale, or issuance of a security of the debtor; and is not and was not, within two years before the date of the filing of the petition, a director, officer, or employee of such an investment banker.
13. The applicant has read 11 U.S.C. §101(14) and §327, and FRBP 2014(a); and the applicant's firm has no connections with the debtor(s), creditors, any party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, or any District of Oregon Bankruptcy Judge, except as follows:

14. The applicant has no interest materially adverse to the interest of the estate or of any class of creditors or equity security holders.
15. Describe details of all payments made to you by either the debtor or a third party for any services rendered on the debtor's behalf within a year prior to filing of this case:
16. The debtor has the following affiliates (as defined by 11 U.S.C. §101(2)). Please list and explain the relationship between the debtor and the affiliate:
17. The applicant is not an affiliate of the debtor.
18. Assuming any affiliate of the debtor is the debtor for purposes of statements 4-13, the statements continue to be true except (list all circumstances under which proposed counsel or counsel's law firm has represented any affiliate during the past 18 months; any position other than legal counsel which proposed counsel holds in either the affiliate, including corporate officer, director, or employee; and any amount owed by the affiliate to proposed counsel or its law firm at the time of filing, and amounts paid within 18 months before filing):
19. The applicant hereby acknowledges that he/she has a duty during the progress of the case to keep the court informed of any change in the statement of facts which appear in this verified statement. In the event that any such changes occur, the applicant immediately shall file with the court an amended verified statement on LBF #1114, with the caption reflecting that it is an amended Rule 2014 statement and any changes clearly identified.

THE FOLLOWING QUESTIONS NEED BE ANSWERED ONLY IF AFFILIATES HAVE BEEN LISTED IN STATEMENT 16.

20. List the name of any affiliate which has ever filed bankruptcy, the filing date, and court where filed:

21. List the names of any affiliates which have guaranteed debt of the debtor or whose debt the debtor has guaranteed. Also include the amount of the guarantee, the date of the guarantee, and whether any security interest was given to secure the guarantee. Only name those guarantees now outstanding or outstanding within the last 18 months:
22. List the names of any affiliates which have a debtor-creditor relationship with the debtor. Also include the amount and date of the loan, the amount of any repayments on the loan and the security, if any. Only name those loans now outstanding or paid off within the last 18 months:
23. List any security interest in any property granted by the debtor to secure any debts of any affiliate not covered in statements 20 and 21. List any security interest in any property granted by the affiliate to secure any debts of the debtor not covered in statements 21 and 22. Also include the collateral, the date and nature of the security interest, the name of the creditor to whom it was granted, and the current balance of the underlying debt:
24. List the name of any affiliate who is potentially a "responsible party" for unpaid taxes of the debtor under 26 U.S.C. §6672:

I verify that the above statements are true to the extent of my present knowledge and belief.

Applicant

In re Turning Leaf Homes IV, LLC

Case No. 17-30353-tmb11

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2017, I served the foregoing “**Application for Employment of Attorneys for Debtor in Possession**” on the following parties by mailing to each at the address below in a sealed envelope, with postage prepaid, and deposited in the United States Post Office:

See Attached Mailing Label List

I further certify that the following person(s) will be served electronically via ECF when the foregoing document is filed with the court:

THEODORE J PITEO on behalf of Debtor Turning Leaf Homes IV, LLC
ted@pdxlegal.com, enc@pdxlegal.com; hugo@pdxlegal.com; reception@pdxlegal.com

US Trustee, Portland
USTPRegion18.PL.ECF@usdoj.gov

/s/Hugo Zollman
Paralegal
Michael D. O’Brien & Associates, P.C.
Of Attorneys for Debtor

Label Matrix for local noticing
0979-3
Case 17-30353-tmb11
District of Oregon
Portland
Mon Feb 6 17:21:34 PST 2017

Ann Fahland
8828 SW 36th Ave
Portland, OR 97219-3836

Citibank
Bankruptcy Department
PO Box 6248
Sioux Falls, SD 57117-6248

DJ Property Soultions
2269 Deer Creek Way
Springville, UT 84663

Federal National Mortgage Association
Bankruptcy Dept.
PO Box 1077
Hartford, CT 06143-1077

Kora Gammel
8828 SW 36th Ave
Portland, OR 97219-3836

Matthew Frank Condominum Assoc
7000 SW Varns Street
Portland, OR 97223-8145

Ocwen Loan Servicing, LLC
Bankruptcy Department
1100 Virginia Drive, Suite 175
Fort Washington, PA 19034-3204

Philip Congdon
2418 Welsh Ln
New Braunfels, TX 78132-3834

SunTrust Mortgage, Inc.
Bankruptcy Dept- RVW 3034
PO Box 27767
Richmond, VA 23261-7767

Turning Leaf Homes IV, LLC
1701 SE OAK SHORE LN
Portland, OR 97267-3628

Bank of New York Mellon
One Wall Street
New York, NY 10286-0001

(p)CITY OF PORTLAND
OFFICE OF CITY ATTORNEY
RM 430
1221 SW 4TH AVE
PORTLAND OR 97204-1991

Deem Realty Funding
525 N. B St.
Salt Lake City, UT 84103-2547

Flagstar Bank
Bankruptcy Notice
5151 Corporate Drive
Troy, MI 48098-2639

Malcolm Cisneros
17100 Gillette Ave
Irvine, CA 92614-5603

McCarthy & Holthus, LLP
1770 Forth Ave
San Diego, CA 92101

Oregon Department Of Justice
Division Of Child Support
4600 25th Avenue, NE , Suite 180
Salem, OR 97301-0026

Robinson Tait, P.S.
901 Fifth Ave
Suite 400
Seattle, WA 98164-2085

Tenant
929 NE 73rd Ave
Hillsboro, OR 97124-6990

1001 SW 5th Ave #700
Portland, OR 97204-1141

Bob & Judy Baron
942 Ann Ave
Sunnyside, WA 98944-1760

Clear Recon Corporation
111 SW Columbia St.
Suite 950
Portland, OR 97201-5841

Ditech Financial, LLC
Bankruptcy Dept.
1100 Virginia Drive
Fort Washington, PA 19034-3204

Jason Montgomery
810 SE Douglas Ave
Roseburg, OR 97470-3331

Malcolm Cisneros
2112 Business Center Dr.
2nd Fl
Irvine, CA 92612-7137

Midland Funding
Bankruptcy Notices
2365 Northside Drive, Suite 300
San Diego, CA 92108-2709

PNC Bank - Mortgage
Bankruptcy Notice
6750 Miller Road
Brecksville, OH 44141-3262

Steven W. Shaw, Attorney
918 S Crescent Way
Mapleton, UT 84664-4613

(p)US BANK
PO BOX 5229
CINCINNATI OH 45201-5229

Vial Fotheringham, LLP
17355 Boones Ferry Road, Suite A
Lake Oswego, OR 97035-5225

THEODORE J PITEO
Michael D. O'Brien & Associates
12909 SW 68th Pkwy
Suite 160
Portland, OR 97223-8399

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

US Bank
Bankruptcy Notice Department
PO Box 5229
Cincinnati, OH 45201-5229

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Deem Investments Company

(u) Tenant

| | |
|---------------------|----|
| End of Label Matrix | |
| Mailable recipients | 34 |
| Bypassed recipients | 5 |
| Total | 39 |